

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**ANTHONY T. GRAVES,  
APPELLANT  
vs.**

**STATE OF MISSOURI,  
RESPONDENT**

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DOCKET NUMBER WD79239

DATE: FEBRUARY 28, 2017

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Appeal from:

The Circuit Court of Boone County, Missouri  
The Honorable Kevin Crane, Judge

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Appellate Judges:

Division Three: James E. Welsh, Presiding Judge, Anthony Rex Gabbert, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Emmett Queener, for Appellant

Evan J. Buchheim, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**ANTHONY T. GRAVES, APPELLANT**

**v.**

**STATE OF MISSOURI, RESPONDENT**

WD79239

Boone County, Missouri

Before Division One: James E. Welsh, Presiding Judge, Anthony Rex Gabbert, Judge and Edward R. Ardini, Jr., Judge

Anthony Graves appeals the denial of his amended motion for post-conviction relief brought pursuant to Missouri Supreme Court Rule 29.15 following his conviction for second-degree murder, armed criminal action, and unlawful use of a weapon. The judgment is reversed and remanded.

**REVERSED AND REMANDED.**

**Division One holds:**

- (1) Period for timely filing amended motion for post-conviction relief, after movant's initial *pro se* motion, ran from date counsel was appointed by the motion court.
- (2) Failure to timely file amended motion required the motion court to conduct an inquiry into whether movant had been abandoned by post-conviction counsel.

**Opinion by: Edward R. Ardini, Jr., Judge**

Date: February 28, 2017

<p><b>This summary is <i>UNOFFICIAL</i> and should not be quoted or cited.</b></p>
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